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SUMMARY RECORD OF THE 6th MEETING

Chairman: Mr. CISSE (Senegal)

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The meeting was called to order at 3.35 p.m.

AGENDA ITEM 93: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/49/18, A/49/287-S/1994/894, A/49/403, A/49/404, A/49/464, A/49/499)

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1. Mr. SOAL (South Africa) thanked the international community for the efforts it had made to oppose racism and racial discrimination, which had been at the core of the system that had prevailed in South Africa but had been dismantled over the past five years in a process that had culminated in the peaceful holding of elections in April. The interim constitution provided for universal suffrage, which eliminated all forms of discrimination.

2. Thanks to the spirit of reconciliation personified in President Nelson Mandela, since the negotiations disturbances had decreased. The peace process would not stop, because the vast majority of the South African people wished to solve the country's political problems, and only a minority on the left and on the right had not accepted the decisions arrived at during the negotiations. Having solved its internal problems, South Africa was prepared to play its part in the international arena.

3. His Government attached the greatest importance to the promotion of economic growth. Given the large number of unemployed in the country, there was an urgent need to implement the Reconstruction and Development Programme, the main plank of the Government's policy, as speedily as possible. In that connection, his Government appealed to Member States to provide assistance to South Africa so that it could reintegrate into the international community and develop its economy. A strong South Africa would in turn be able to contribute to development throughout the southern Africa region.

4. With regard to the report of the Special Rapporteur on the use of mercenaries, South Africa was strongly opposed to its citizens being involved in internal conflicts outside South Africa. The Defence Act provided that mercenaries were guilty of an offence and would be punished by a fine or by imprisonment. South Africa would investigate the activities of individuals violating that legislation, as was being done in the case of the activities of former members of its Defence Force in Angola.

5. As apartheid had been eliminated and a democratic, non-racial, non-sexist constitutional State had been established, and as President Mandela had signed the International Convention on the Elimination of All Forms of Racial Discrimination, South Africa hoped that the United Nations would delete from its resolutions all reference to that discriminatory system, which were no longer pertinent.

6. Mr. HAMIDA (Libyan Arab Jamahiriya) said that despite the progress made by the United Nations in the elimination of racism and racial discrimination, those phenomena persisted and took the form of persecution of ethnic and religious groups. The situation in Central Europe, in the States of the former Soviet Union and in many African countries, particularly Rwanda, as well as the practice of expelling foreigners from Europe and persecuting them and attacking them, were examples of such practices.

7. Accordingly, the Libyan Arab Jamahiriya supported the proclamation of the Third Decade to Combat Racism and Racial Discrimination, as well as the implementation of the Programme of Action for the Decade approved by the General Assembly. Nevertheless, the Programme needed to be revised in order to reflect the new situation in South Africa and the new manifestations of racism and racial discrimination. In order to implement it satisfactorily, Member States would have to provide sufficient resources. The work of the United Nations would bear fruit only if Member States discharged the commitments they had entered into and confronted the phenomenon of racism firmly and energetically.

8. The Libyan Arab Jamahiriya was concerned at the fact that in recent years acts of terrorism and interference perpetrated by powerful countries against weak countries had continued. That threatened the independence peoples had won at enormous sacrifice. The principles of self-determination and non-interference in the internal affairs of States were not respected, despite the fact that they were proclaimed in the Charter of the United Nations. Most serious, however, was the fact that the Organization had been used in the interests of a few militarily and economically powerful countries which dominated it. If that trend continued, the right to self-determination would become valueless, and anarchy and the law of the strongest would prevail.

9. Accordingly, the Libyan Arab Jamahiriya earnestly urged Member States to apply the measures designed to support the exercise of the right to self-determination and ensure the freedom and independence of peoples. Its Government had always respected that right.

10. Following the celebration of the victory of the South African people, it was to be hoped that the international community would soon be able to celebrate the victory of the Palestinian people, which would entail the return of displaced persons and the establishment of a unified and non-racist State.

11. Mr. LARRAÍN (Chile) said that his country welcomed the establishment of a democratic, non-apartheid regime in South Africa. As apartheid had had far-reaching economic and social consequences for South African society, Chile supported the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination, particularly the adoption of concrete measures to deal with that problem. Chile was prepared to cooperate with South Africa in that difficult task, in particular by providing information on the policies followed in Chile in relation to the return of exiles, reparations for victims of human rights violations and ways of bringing the truth to light in cases of torture and disappearance.

12. While progress had been made towards eliminating racism and racial discrimination, racism still existed as a form of social behaviour, and there had been a resurgence of xenophobic and discriminatory practices, particularly directed against immigrants from the third world. Accordingly, his Government supported resolution 1994/64 of the Commission on Human Rights, entitled "Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance", as well as the work of the Special Rapporteur on that subject. It had also taken note of the Secretary-General's report on the implementation of the Programme of Action, which described the activities conducted by the Council of Europe to deal with the problem. Chile supported the Vienna Declaration and Programme of Action.

13. Teaching of the principle of non-discrimination should form part of human rights education, and he accordingly hoped that effect would be given at the national and international levels to the measures relating to that subject contained in the Programme of Action for the Decade. In addition, the principle of non-discrimination should be universally accepted as a norm of ius cogens. The United Nations could give consideration to the possibility of adopting emergency measures when discrimination disrupted the internal order and external peace.

14. Chile deeply regretted the events that had taken place in Rwanda. In response to the magnitude of the tragedy, his Government had organized a solidarity campaign through which funds had been collected to mitigate the suffering of the Rwandese people.

15. The situation in Bosnia and Herzegovina was a serious violation of the principle of self-determination of peoples. Chile unreservedly supported Bosnia and Herzegovina in its struggle to maintain its territorial integrity, sovereignty and national unity. It fully shared the concern of the international community at the human rights violations committed in that country, and condemned the practices of ethnic cleansing and the acts of violence whose origins lay in racial hatred. In that respect, his Government was prepared to cooperate with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991.

16. Mr. OMAR (Malaysia) said he was glad that South Africa had at long last assumed its rightful place in the international community, that a new Constitution for that country had been adopted and that a multi-racial Government based on democracy and justice had been formed. The important role played by the international community in the elimination of apartheid in South Africa would serve as an inspiration in the struggle against racism and racial discrimination. Ethnic cleansing in the former Yugoslavia and the horrendous ethnic violence in Rwanda were variations of apartheid. Member States should therefore continue to work together to ensure that new forms of apartheid did not emerge.

17. The tragedy in Bosnia and Herzegovina was an example of racism and religious bigotry where the principles of justice and common sense had been set

aside. Despite the ethnic cleansing campaigns in areas under the control of the Bosnian Serbs, the Security Council had chosen to address the needs of the aggressors while downplaying the plight of the victims. The Security Council should implement its own resolutions fully in order to put an immediate end to the atrocities being committed and to the practice of ethnic cleansing.

18. His delegation wished to underscore the important role of the International Tribunal for the former Yugoslavia. In his latest report, the Special Rapporteur on the former Yugoslavia indicated that the Tribunal risked losing its credibility because of its sluggishness. The Tribunal should therefore act swiftly to bring to justice the perpetrators of the crimes committed in Bosnia and Herzegovina. In that context, every effort should be made to adhere to the Vienna Declaration and Programme of Action, and in particular paragraph 23 of part II.

19. His Government welcomed the proclamation of the Third Decade to Combat Racism and Racial Discrimination and hoped that during the Decade it would be possible to reduce, if not eliminate, racist tendencies around the world.

20. The proposal to establish early warning procedures to improve the capability of the United Nations to prevent conflicts resulting from racial and ethnic tensions required further study. Appropriate criteria and guidelines must be formulated so as to avoid partiality.

21. With regard to self-determination, his delegation believed that all peoples had the right to choose democratically any political, social and economic systems they believed would bring them political stability and economic prosperity, and was averse to any kind of external pressure or coercive measures to effect political change.

22. With regard to the question of Palestine, Malaysia looked forward to the conclusion of an agreement that would empower the Palestinian people to exercise their right to self-determination and to a homeland of their own. The question of Palestine remained central to the achievement of a comprehensive political solution to the Middle East problem. Malaysia called on the Government of Israel to hasten the implementation of the peace accords.

23. With regard to the issue of mercenaries, he praised the work of the Special Rapporteur, who had given a briefing bringing out the impact of mercenaries on the denial of the right of self-determination. If it was true that the missile which brought down the aircraft carrying the late Presidents of Burundi and Rwanda had been fired by two foreign mercenaries, the international community must spare no effort to find those responsible and bring them to justice for acts of genocide.

24. Ms. TOMKINSON (Australia) said there were differences of opinion as to the scope of the right of self-determination once independence had been attained. Australia believed that the international community should view self-determination as a comprehensive human rights concept, the implementation of which was particularly important in an uncertain and transitional world

situation. Self-determination should also encompass the right of distinct peoples within a State, particularly indigenous peoples and national minorities, to make decisions on their own affairs. That view found support in article 21 of the Universal Declaration of Human Rights, common article 1 of the International Covenants on Human Rights, and article 25 of the International Covenant on Civil and Political Rights.

25. The great majority of States were ethnically diverse; indeed, only 20 per cent were relatively ethnically homogenous. The ideal of ethnically pure States was clearly unrealistic and contrary to the repeated statements of the international community. Attempts to achieve such States led to the bloodshed and ethnic cleansing seen recently in the former Yugoslavia, the Caucasus and parts of Africa. National Governments should be capable of accommodating the demands of peoples for internal self-determination, expressed as the maintenance of their cultural identity and especially their language. Australia was adopting policies of multiculturalism and self-management for its indigenous peoples.

26. The right of self-determination, although important, was not a right above and beyond the other fundamental rights set out in the Universal Declaration and the International Covenants on Human Rights. Consequently, the right of self-determination could not be used to justify the abuse of other rights such as the right to life, the right to freedom of conscience and expression and the right to an adequate standard of living.

27. The right of self-determination had assumed particular importance with the proclamation of the International Decade of the World's Indigenous People and the finalization of the draft Declaration on the Rights of Indigenous Peoples. Australia considered, however, that any equation of such a right of self-determination with the right to independence on the part of indigenous peoples would be contrary to the principle of territorial integrity.

28. With few exceptions, indigenous peoples had not participated in designing the constitutional order of the States into which they were incorporated. Those peoples saw the right of self-determination as a mechanism to enable them to negotiate their political status and future relationships with the State in which they lived. To suggest that indigenous self-determination was a threat to the territorial integrity of States was to ignore the fact that most indigenous peoples did not desire independence. The proceedings of the Working Group on Indigenous Populations showed clearly that most of them were seeking constitutional reform to enable them to develop their political institutions and determine their own development within existing States.

29. Australia believed that the right of indigenous peoples to self-determination might involve other forms which were compatible with the continued existence, unchanged, of the State, so long as the latter gave effect to the right of those peoples to take effective control of their own affairs.

30. Mr. ROGOV (Russian Federation) said that the new conflicts and wars caused by ethnic, political and religious intolerance were just as dangerous for the

world as the threat of nuclear war had been in the past. His delegation therefore supported the conclusion, embodied in the Vienna Declaration and Programme of Action, that the speedy elimination of all forms of racial discrimination, xenophobia and intolerance was a priority task for the international community.

31. To that end, the international community could rely on the clear guidelines set forth in the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination. All measures adopted at the national, regional and international levels should complement each other. The work of the International Tribunal for the former Yugoslavia and the corresponding Tribunal for Rwanda was of the utmost importance.

32. One of the most important aspects of measures to combat racism and racial discrimination was the protection of the rights of persons belonging to national, ethnic, religious or linguistic minorities. In that connection it was very important for the provisions of the United Nations Declaration on the rights of such persons to be incorporated in the legislation of every Member State.

33. The Commission on Human Rights should devise recommendations on the formulation of a comprehensive programme to protect the rights of minorities, and a post of special rapporteur on questions relating to the rights of individuals belonging to minorities should be established. It would be necessary in the near future to adopt a convention on the protection of minority rights and to establish machinery to monitor compliance by States with their international obligations in connection with respect for such rights.

34. The United Nations High Commissioner for Human Rights played a fundamental role, and his delegation commended the work of the High Commissioner in Rwanda.

35. The Russian Federation had not rid itself of the transboundary infection of racism and racial discrimination, among other reasons because for 70 years it had lived under a totalitarian regime. But it was now attempting to resolve that problem. One indication was the report prepared by the Russian Federation Human Rights Commission on respect for human rights in the country, a report which detailed the obstacles to efforts to counter racial discrimination, xenophobia, anti-Semitism and intolerance.

36. The federal human rights programme should do much to promote the implementation of the constitutional norms intended to guarantee equality and non-discrimination for all the country's inhabitants. The Russian Federation proposed to formulate its national policy in strict compliance with the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

37. It should be pointed out the Programme for the Second Decade had not always been fully implemented and that all its objectives had not been attained. Nevertheless there was no doubting the success represented by the elimination of apartheid in South Africa.

38. Yet similar discriminatory practices currently subsisted in a number of countries. The Russian Federation was gravely concerned by the appearance of aggressive nationalism in some countries of the former Soviet Union, particularly Latvia and Estonia. In those countries a large percentage of the inhabitants were subject to ethnic discrimination, as a result of which they were deprived of their political, economic, social and cultural rights and freedoms. Efforts were frequently made to cover up discrimination against Russians by using the letter of the law. It was surprising that the authors of what they termed "democratic laws" should have forgotten one of the fundamental principles of democracy, namely that an unjust law was not legal. It was senseless, at the end of the twentieth century, for countries professing a commitment to respect for European culture, human rights and the rule of law to establish discriminatory practices.

39. There was no doubt that new challenges would arise in the world. Nevertheless the international community must not abandon the path it had embarked upon or slacken in its efforts to eliminate racism and racial discrimination.

40. Mr. RANDIMBISOA (Madagascar) said that his country welcomed the elimination of apartheid and the establishment of a united, democratic and non-racial South Africa. Nevertheless his delegation was deeply concerned by the growth of ethnic conflict and the resurgence of racist ideologies, despite the measures taken by the international community to combat the scourges of racism and racial discrimination.

41. The Vienna Declaration and Programme of Action, together with General Assembly resolution 48/91, which proclaimed the Third Decade to Combat Racism and Racial Discrimination, gave cause for hope that efforts to combat racism were being strengthened. Further, Madagascar welcomed the decision by the Commission on Human Rights to appoint a Special Rapporteur to examine contemporary forms of racism and related forms of intolerance.

42. There was a need for improved coordination so that activities at the international level complemented national efforts by Member States. The Centre for Human Rights was making laudable efforts to coordinate the activities of specialized agencies and non-governmental organizations.

43. His delegation welcomed the measures taken by the Committee on the Elimination of Racial Discrimination to prevent serious infringements of the International Convention on the Elimination of All Forms of Racial Discrimination. Nevertheless, given the growth of racist manifestations apparent in the world, the question arose of whether it might not be necessary to conduct a study in greater depth of the root causes of xenophobia.

44. Madagascar reaffirmed its commitment to the right of peoples to self-determination as a prerequisite for the enjoyment of all other human rights. In that connection the Declaration of Principles on Interim Self-Government Arrangements, signed in 1993 by Israel and the Palestine Liberation Organization (PLO), together with the Agreement between Israel and Jordan on the Common

Agenda, constituted two important landmarks along the road towards a comprehensive and lasting peace in the Middle East. With regard to Western Sahara, he trusted that the efforts being made by the parties would result in a solution to the conflict.

45. Lastly, his delegation was of the view that the work of the Special Rapporteur on the question of mercenaries would allow the international community to understand the phenomenon and as a result devise policies to combat that reprehensible activity.

46. Mr. MEJIA CASTRO (Honduras) said that the concept of the self-determination of peoples had emerged at the close of the First World War, when President Wilson had seen it as one of the points that should constitute the framework of international relations. Subsequently the Charter of the United Nations had expressly included it as a principle, initiating a general process of liberating colonial peoples.

47. The principle had become a right, endorsed in many United Nations resolutions and declarations and various international instruments. The International Law Commission had cited it as an instance of a norm respect for which was of fundamental interest and the infringement of which was not an offence but an international crime.

48. Recent history demonstrated the intimate relationship between the principle of the self-determination of peoples and decolonization. Honduras had supported all initiatives intended to help peoples in their struggle for freedom and self-determination. The Constitution of Honduras provided for mandatory execution of international arbitral awards and judicial decisions. That provision evidenced the policy of Honduras with regard to the inalienable right of peoples to self-determination.

49. His delegation had always had a particular interest in the right to self-determination of peoples, as a result of which it had co-sponsored a number of General Assembly resolutions thereon.

50. Honduras recognized the machinery established under the Charter as the sole means of resolving international disputes. Accordingly it was contributing in the field to implementation of the process established by the United Nations for the holding of a referendum in Western Sahara. Further, Honduras condemned all political, religious or social acts that jeopardized the right of peoples to self-determination; there was no doubt that history would judge those responsible for violations of that right.

51. Mr. BRAHA (Albania) welcomed the full integration of South Africa into the United Nations and all other international forums. The eradication of apartheid constituted a remarkable success not only for the people of South Africa but for the international community as a whole.

52. Notwithstanding the positive developments in connection with respect for human rights, Albania was deeply concerned by the extent and new forms of racial

discrimination in various parts of the world. It was deplorable that, after thousands of years of civilization, new forms of discrimination and violation of human rights had joined old forms.

53. Albania had vigorously condemned the shameful phenomenon of ethnic cleansing in Bosnia and Herzegovina, the result of Serbian aggression against the Bosnian population. His Government unreservedly supported the commitment of the international community to punish those responsible for ethnic cleansing and serious human rights violations. The punishment of those responsible for such crimes would be a clear indication that the international community would not tolerate such occurrences, and would have a deterrent effect.

54. Religious and ethnic intolerance, xenophobia, aggressive nationalism, hatred and violence against migrant workers posed a serious threat to social peace and development. The developments in the Balkans showed that aggressive nationalism constituted a dangerous source of conflict and instability.

55. The Albanian people had always lived in an atmosphere of harmony and religious and ethnic tolerance. The establishment of democracy in Albania had introduced a new element, namely, full respect for human rights and fundamental freedoms for all citizens without discrimination. The accusations that Albania was violating the rights of the Greek minority were therefore regrettable. Such unfounded accusations were made by those who did not know anything about the real situation in Albania.

56. His delegation wished to draw the Committee's attention to the extremely large proportions assumed by discrimination against 2 million ethnic Albanians in Kosovo. In the past four years, discrimination against them had been institutionalized through a whole series of laws, so much so that discrimination in that part of the former Yugoslavia had taken the form of apartheid. The dismissal en masse of Albanians from their jobs; the closure of Albanian educational, cultural and scientific institutions; the harassment of the Albanian-language press; and the persecution of Albanian journalists and political activists, together with widespread repression had become standard practice. The international community must adopt a stronger position in order to ensure the establishment of normalcy in Kosovo. In that context, his Government welcomed resolution 1994/76 of the Commission on Human Rights on the situation of human rights in Kosovo.

57. Ms. FERTEKLIGIL (Turkey) said that the wave of extremism running through different parts of the world, particularly Europe, was aggravated by the provocation of racial hatred. Sadly, racist incidents were currently the most frequent form of human rights violations. The persistence and intensity of racial problems necessarily alerted the international community to the magnitude of the threat. Despite the efforts undertaken, much remained to be done. In that context, her delegation considered the framework provided by the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination (1993-2003) to be very appropriate.

58. Turkey also supported the recommendation formulated in the note by the Secretary-General (A/49/464), namely that the Member States concerned should adopt emergency measures to put an end to acts of racism and racial discrimination against migrant workers. Unfortunately, Turkey had firsthand knowledge of that problem, for Turkish migrant workers and their families were frequently the targets of racial harassment and acts of violence in the countries in which they resided. Those countries should adopt more forceful measures to protect migrant workers and urgently implement policies to combat racism backed by laws which guaranteed respect for human rights. Accordingly, Turkey welcomed the most recent initiatives of the European Union in that regard.

59. The rejection of all forms of segregation of foreigners also called for an educational campaign designed to instil respect for diversity and difference in public opinion. In that connection, her delegation was pleased that the United Nations Year for Tolerance had been proclaimed at its initiative. The activities connected with the observance of the Year would afford an opportunity to break the cycle of violence and rejection which was once again beginning to taint society. However, it should not be forgotten that the firm establishment of tolerance was an enormous undertaking which could not be completed in one day and which thus required the united efforts of the entire international community.

60. In that connection, the recent recommendation of the Committee on the Elimination of Racial Discrimination concerning the establishment of an international tribunal to prosecute the perpetrators of crimes against humanity and the resolutions of the Subcommission on Prevention of Discrimination and Protection of Minorities on the draft statute for an international criminal court and on the convening in 1997 of a world conference to combat racism.

61. Like Mexico, Cuba and Algeria, Turkey believed that it was vital for the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to be able to submit his provisional report to the General Assembly at its forty-ninth session.

62. Her delegation paid tribute to the South African people for their triumph against racism. It was now incumbent on the international community to provide assistance to the Government and the people of South Africa for the reconstruction of their country.

63. Unfortunately, the international community had been unable to put an end to ethnic cleansing in Bosnia and Herzegovina, where genocide, aggression and racism still prevailed. That situation represented a challenge to humanity. Turkey was committed to providing continued support to the Bosnian people in their struggle for survival.

64. The acquisition by force of territory in the Caucasus, where one fifth of the territory of Azerbaijan remained under occupation, was another example of the violation of international law and was a threat to the peace and security of the entire region. The conflict must be resolved within the framework of the

Conference on Security and Cooperation in Europe and on the basis of respect for the territorial integrity of Azerbaijan.

65. Turkey welcomed the dawn of a new era of reconciliation and hope in the Middle East following the conclusion of agreements between Israel and Palestine and between Israel and Jordan. It hoped that the process would lead to a genuine lasting peace in the region. It also hoped that a process of national reconciliation would be launched in Afghanistan so that the reconstruction of that war-torn country could begin.

66. Her delegation supported the right to self-determination but believed that, as established in the Declaration adopted by the World Conference on Human Rights, held at Vienna, the implementation of that right should not be construed as authorizing or encouraging any action which could impair, totally or in part, the territorial integrity or political unity of sovereign and independent States which respected the principle of equal rights and thus had a Government representing the entire population without distinction of any kind.

67. Her delegation reaffirmed its determination to combat all forms of racism and racial discrimination and to cooperate actively with the international community to that end.

68. Mr. AINSO (Estonia), speaking in exercise of the right of reply, said that he was sorry to have to refute the false accusations of human rights violations levelled by the representative of the Russian Federation in reference to laws relating to alien residents in Estonia and Latvia. Those laws had been reviewed by the Council of Europe and other bodies, which had found them to be consistent with their norms. Two reports of the United Nations Centre for Human Rights stated that there had been no such human rights violations.

69. The Baltic States attached great importance to existing human rights mechanisms within the United Nations system and believed that continuing to ignore them would undermine their effectiveness and politicize a question of extreme importance for the Committee.

70. Mr. ORDZHONIKIDZE (Russian Federation), speaking in exercise of the right of reply, said that his delegation could not accept as normal a situation in which approximately half a million people of Russian origin residing in Estonia had been stripped of their human rights. On the demagogic pretext of the "restoration of demographic equilibrium", the Estonian authorities had begun the gradual expulsion of the Russian population, which was essentially no different from ethnic cleansing. That policy was incompatible with the principles of the Charter of the United Nations. The Estonian authorities must accept the obligations they had assumed under the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, which recognized the equal rights of all citizens, regardless of nationality, race, language or religion.

71. Mr. AINSO (Estonia), speaking in exercise of the right of reply, invited the representative of the Russian Federation to read the reports prepared by the Centre for Human Rights and draw his own conclusions.

72. Mr. ORDZHONIKIDZE (Russian Federation), speaking in exercise of the right of reply, said that he had read those reports thoroughly and they provided a clear account of the situation. The representative of Estonia should consider carefully the obligations his country had assumed under the Charter of the United Nations and the human rights instruments.

The meeting rose at 5.20 p.m.